

EXHIBIT

32

APPEAL, CASREF, ECF

**U.S. District Court
United States District Court for the Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:07-cv-06915-DLC**

Travelers Casualty and Surety Company v. Dormitory
Authority State of New York et al
Assigned to: Judge Denise L. Cote
Referred to: Magistrate Judge Theodore H. Katz
(Settlement)
Related Case: 1:08-cv-06239-DLC
Cause: 28:1332 Diversity-Other Contract

Date Filed: 08/01/2007
Jury Demand: Both
Nature of Suit: 190 Contract: Other
Jurisdiction: Diversity

Plaintiff

Travelers Casualty and Surety Company represented by **David Craig Dreifuss**

*as Administrator for
Reliance Insurance
Company*

Dreifuss Bonacci & Parker, LLP
One Penn Plaza
36th Fl
New York, NY 10119
973-514-1414
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*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Eli John Rogers

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*PRO HAC VICE
ATTORNEY TO BE NOTICED*

V.

Defendant

**Dormitory Authority
State of New York**

represented by **Timothy B Froessel**
Holland & Knight LLP (FL)
50 North Laura Street, Suite 3900
Jacksonville, FL 32202
(212) 513-3484
Fax: (212) 385-9010
Email: tbfroess@hklaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**TDX Construction
Corp.**

represented by **Timothy B Froessel**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**Kohn Pedersen Fox
Associates, P.C.**

represented by **David Abramovitz**
Zeynel Karcioglu, Esq
36 East 20th Street
New York, NY 10003
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LEAD ATTORNEY
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Zetlin & De Chiara, LLP(NYC)
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ThirdParty Plaintiff

**Kohn Pedersen Fox
Associates, P.C.**

represented by **David Abramovitz**
(See above for address)
ATTORNEY TO BE NOTICED

V.

ThirdParty Defendant

**Trataros Construction,
Inc.**

represented by **Eli John Rogers**
(See above for address)
ATTORNEY TO BE NOTICED

LEAD ATTORNEY
ATTORNEY TO BE NOTICED

FourthParty Defendant

**Great American
Insurance Company**

represented by **Donald George Sweetman**
Gennet, Kallmann, Antin & Robinson, P.C.
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ATTORNEY TO BE NOTICED

FourthParty Defendant

**National Union Fire
Insurance Company of
Pittsburgh, PA.**

represented by **Erika Catherine Aljens**
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ATTORNEY TO BE NOTICED

FourthParty Defendant

**United States Fire
Insurance Company**
TERMINATED:
03/07/2008

represented by **John Paul DeFilippis**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

FourthParty Defendant

**United States Fire
Insurance Company**

FourthParty Defendant

**Zurich American
Insurance Company**

represented by **S. Dwight Stephens**
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ATTORNEY TO BE NOTICED

FourthParty Defendant

Ohio Casualty

represented by **Henry G. Morgan**

Insurance Company

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ATTORNEY TO BE NOTICED

Fourth Party Defendant**Harleysville Mutual
Insurance Company**

represented by **Lance Jon Kalik**
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ATTORNEY TO BE NOTICED

FourthParty Defendant

John Does

1-20

FourthParty Defendant

XYZ Corps.

1-20

FourthParty Defendant

Allied World Assurance Company (U.S.) Inc. represented by **Diana Elaine Goldberg**
formerly known as Mound Cotton Wollan & Greengrass (NYC)
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Insurance Company New York, NY 10004
212-804-4221
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TERMINATED: 07/10/2008
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

FourthParty Defendant

North American Specialty Insurance Company represented by **Joel M Simon**
(See above for address)
ATTORNEY TO BE NOTICED

FifthParty Plaintiff

Dayton Superior Corporation represented by **Andrea June Smith**
(See above for address)
TERMINATED: 03/03/2008
ATTORNEY TO BE NOTICED

William Gordon Kelly
(See above for address)
ATTORNEY TO BE NOTICED

V.

FifthParty Defendant

G.M. Crocetti, Inc.
TERMINATED:

**Travelers Casualty and
Surety Company**
*as Administrator for
Reliance Insurance
Company*

Counter Defendant

Trataros Construction, Inc., represented by **Eli John Rogers**
(See above for address)
ATTORNEY TO BE NOTICED

Joanne M. Bonacci
(See above for address)
ATTORNEY TO BE NOTICED

Counter Defendant

**Travelers Casualty And
Surety Company**

Date Filed	#	Docket Text
08/01/2007	<u>1</u>	COMPLAINT against Dormitory Authority State of New York, TDX Construction Corp., Kohn Pedersen Fox Associates, P.C.. (Filing Fee \$ 350.00, Receipt Number 622700)Document filed by Travelers Casualty and Surety Company.(tro) (Entered: 08/02/2007)
08/01/2007		SUMMONS ISSUED as to Dormitory Authority State of New York, TDX Construction Corp., Kohn Pedersen Fox Associates, P.C. (tro) (Entered: 08/02/2007)
08/01/2007		CASE REFERRED TO Judge Harold Baer as possibly similar to 04cv5101. (tro) (Entered: 08/02/2007)
08/01/2007		Case Designated ECF. (tro) (Entered: 08/02/2007)
08/01/2007	<u>2</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. Identifying Travelers Insurance Group Holdings, Inc., Travelers Property Casualty Corp., The Travelers Companies, Inc. as Corporate Parent. Document filed by Travelers Casualty and Surety Company.(tro) (Entered: 08/02/2007)
08/10/2007	<u>3</u>	MOTION for Joanne M. Bonacci to Appear Pro Hac Vice. Document filed by Travelers Casualty and Surety Company.(jco) (Entered: 08/15/2007)
08/14/2007		CASE DECLINED AS NOT SIMILAR. Case referred as similar to 1:04-cv-5101 and declined by Judge Harold J. Baer and returned to wheel for assignment. (laq) (Entered: 08/20/2007)
08/14/2007	<u>4</u>	NOTICE OF CASE ASSIGNMENT to Judge Denise L. Cote. Judge Unassigned is no longer assigned to the case. (laq) Additional attachment(s) added on 8/21/2007 (Aquino, Lourdes). (Entered: 08/20/2007)
08/14/2007		Magistrate Judge Theodore H. Katz is so designated. (laq) (Entered: 08/20/2007)

		08/20/2007)
08/16/2007		CASHIERS OFFICE REMARK on <u>3</u> Motion to Appear Pro Hac Vice in the amount of \$25.00, paid on 08/10/2007, Receipt Number 623462. (jd) (Entered: 08/16/2007)
08/20/2007		Mailed notice to the attorney(s) of record. (laq) (Entered: 08/20/2007)
08/20/2007	<u>5</u>	ORDER granting <u>3</u> Motion for Joanne M. Bonacci to Appear Pro Hac Vice for defendant Travelers Casualty and Surety Company. (Signed by Judge Denise L. Cote on 8/20/07) (db) (Entered: 08/21/2007)
08/28/2007		Transmission to Attorney Admissions Clerk. Transmitted re: <u>5</u> Order on Motion to Appear Pro Hac Vice to the Attorney Admissions Clerk for updating of Attorney Information. (db) (Entered: 08/28/2007)
09/10/2007	<u>6</u>	NOTICE OF INITIAL PRETRIAL CONFERENCE: Initial Conference set for 10/12/2007 at 11:30 AM in Courtroom 11B, 500 Pearl Street, New York, NY 10007 before Judge Denise L. Cote. (Signed by Judge Denise L. Cote on 9/10/07) (tro) (Entered: 09/10/2007)
09/28/2007	<u>7</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by TDX Construction Corp..(Froessel, Timothy) (Entered: 09/28/2007)
09/28/2007	<u>8</u>	ANSWER to Complaint., CROSSCLAIM against Kohn Pedersen Fox Associates, P.C., COUNTERCLAIM against Travelers Casualty and Surety Company. Document filed by Dormitory Authority State of New York. (Froessel, Timothy) (Entered: 09/28/2007)
09/28/2007	<u>11</u>	THIRD PARTY COMPLAINT against Trataros Construction, Inc. Document filed by Dormitory Authority State of New York, TDX Construction Corp. (jco) (Entered: 10/02/2007)
10/01/2007	<u>9</u>	MOTION to Dismiss <i>Complaint</i> . Document filed by Kohn Pedersen Fox Associates, P.C..Responses due by 10/16/2007 (Attachments: # <u>1</u> Affidavit Declaration of Peter Catalano in Support of Motion to Dismiss# <u>2</u> Exhibit Exhibit A to Catalano Declaration# <u>3</u> Exhibit Exhibit B (Part 1 of 2) to Catalano Declaration# <u>4</u> Exhibit Exhibit B (Part 2 of 2) to Catalano Declaration)(Abramovitz, David) (Entered: 10/01/2007)
10/01/2007	<u>10</u>	FILING ERROR - WRONG DOCUMENT TYPE SELECTED FROM MENU - MOTION to Dismiss Complaint (Memorandum in Support). Document filed by Kohn Pedersen Fox Associates, P.C. (Abramovitz, David) Modified on 10/2/2007 (KA). (Entered: 10/01/2007)
10/02/2007		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - DOCUMENT TYPE ERROR. Note to Attorney David Abramovitz to RE-FILE Document <u>10</u> MOTION to Dismiss Complaint (Memorandum in Support). Use the document type Memorandum of Law in Support of Motion found under the document list Replies, Opposition and Supporting Documents. (KA) (Entered: 10/02/2007)
10/02/2007	<u>12</u>	MEMORANDUM OF LAW in Support re: <u>10</u> MOTION to Dismiss

		<i>Complaint - Memorandum in Support..</i> Document filed by Kohn Pedersen Fox Associates, P.C.. (Abramovitz, David) (Entered: 10/02/2007)
10/09/2007	<u>13</u>	ENDORSED LETTER addressed to Judge Denise L. Cote from Timothy Froessel dated 10/4/07 re: Request to adjourn the initial ptc set for 10/12/07 to 11/9/07. ENDORSEMENT: The conference is adjourned to 11/30/07 at 11:00 am. Initial Conference reset for 11/30/2007 at 11:00 AM before Judge Denise L. Cote. (Signed by Judge Denise L. Cote on 10/5/07) (cd) (Entered: 10/09/2007)
10/16/2007	<u>14</u>	DECLARATION of John Scarpellino, Sr. in Opposition re: <u>9</u> MOTION to Dismiss <i>Complaint..</i> Document filed by Travelers Casualty and Surety Company. (Attachments: # <u>1</u> Exhibit Exhibit A# <u>2</u> Exhibit Exhibit B# <u>3</u> Exhibit Exhibit C# <u>4</u> Exhibit Exhibit D)(Rogers, Eli) (Entered: 10/16/2007)
10/16/2007	<u>15</u>	DECLARATION of JoAnne M. Bonacci, Esq. in Opposition re: <u>9</u> MOTION to Dismiss <i>Complaint..</i> Document filed by Travelers Casualty and Surety Company. (Attachments: # <u>1</u> Exhibit Exhibit 1# <u>2</u> Exhibit Exhibit 2# <u>3</u> Exhibit Exhibit 3# <u>4</u> Exhibit Exhibit 4# <u>5</u> Exhibit Exhibit 5# <u>6</u> Exhibit Exhibit 6 -pt 1# <u>7</u> Exhibit Exhibit 6 -pt 2# <u>8</u> Exhibit Exhibit 7# <u>9</u> Exhibit Exhibit 7- pt2# <u>10</u> Exhibit Exhibit 8# <u>11</u> Exhibit Exhibit 9# <u>12</u> Exhibit Exhibit 10# <u>13</u> Exhibit Exhibit 11# <u>14</u> Exhibit Exhibit 12# <u>15</u> Exhibit Exhibit 13# <u>16</u> Exhibit Exhibit 14# <u>17</u> Exhibit Exhibit 15# <u>18</u> Exhibit Exhibit 16# <u>19</u> Exhibit Exhibit 17# <u>20</u> Exhibit Exhibit 18# <u>21</u> Exhibit Exhibit 19# <u>22</u> Exhibit Exhibit 20# <u>23</u> Exhibit Exhibit 21# <u>24</u> Exhibit Exhibit 22# <u>25</u> Exhibit Exhibit 23# <u>26</u> Exhibit Exhibit 24# <u>27</u> Exhibit Exhibit 25# <u>28</u> Exhibit Exhibit 26# <u>29</u> Exhibit Exhibit 27# <u>30</u> Exhibit Exhibit 28)(Rogers, Eli) (Entered: 10/16/2007)
10/17/2007	<u>16</u>	FIRST MEMORANDUM OF LAW in Opposition re: <u>9</u> MOTION to Dismiss <i>Complaint..</i> Document filed by Travelers Casualty and Surety Company. (Dreifuss, David) (Entered: 10/17/2007)
10/17/2007	<u>17</u>	RESPONSE in Opposition re: <u>9</u> MOTION to Dismiss <i>Complaint. Counter proposed order.</i> Document filed by Travelers Casualty and Surety Company. (Dreifuss, David) (Entered: 10/17/2007)
10/17/2007	<u>18</u>	DECLARATION of Eli J. Rogers, Esq. in Opposition re: <u>9</u> MOTION to Dismiss <i>Complaint..</i> Document filed by Travelers Casualty and Surety Company. (Rogers, Eli) (Entered: 10/17/2007)
10/17/2007	<u>19</u>	DECLARATION of Eli J. Rogers, Esq. in Opposition re: <u>9</u> MOTION to Dismiss <i>Complaint..</i> Document filed by Travelers Casualty and Surety Company. (Attachments: # <u>1</u> Exhibit Exh. A# <u>2</u> Exhibit Exh B# <u>3</u> Exhibit Exh B-2# <u>4</u> Exhibit Exh B-3# <u>5</u> Exhibit Exh B-4# <u>6</u> Exhibit Exh B-5# <u>7</u> Exhibit Exh C-1# <u>8</u> Exhibit Exh C-2# <u>9</u> Exhibit Exh D-1# <u>10</u> Exhibit Exh D-2# <u>11</u> Exhibit Exh E# <u>12</u> Exhibit Exh F# <u>13</u> Exhibit Exh F-2# <u>14</u> Exhibit Exh F-3# <u>15</u> Exhibit Exh F-4# <u>16</u> Exhibit Exh F-5# <u>17</u> Exhibit Exh F-6# <u>18</u> Exhibit Exh F-7# <u>19</u> Exhibit Exh F-8# <u>20</u> Exhibit Exh G# <u>21</u> Exhibit Exh G-2# <u>22</u> Exhibit Exh G-3# <u>23</u> Exhibit Exh G-4# <u>24</u> Exhibit Exh G-5# <u>25</u> Exhibit Exh G-6)(Rogers, Eli) (Entered: 10/17/2007)
10/23/2007	<u>20</u>	REPLY MEMORANDUM OF LAW in Support re: <u>9</u> MOTION to Dismiss

		<i>Complaint..</i> Document filed by Kohn Pedersen Fox Associates, P.C.. (Abramovitz, David) (Entered: 10/23/2007)
10/26/2007	<u>21</u>	ANSWER to Counterclaim., CROSSCLAIM against Kohn Pedersen Fox Associates, P.C., TDX Construction Corp.. Document filed by Travelers Casualty and Surety Company.(Rogers, Eli) (Entered: 10/26/2007)
10/31/2007	<u>22</u>	MOTION for Louis J. Dennis to Appear Pro Hac Vice. Document filed by Kohn Pedersen Fox Associates, P.C. (jco) (Entered: 11/05/2007)
11/13/2007	<u>23</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. Identifying Travelers Insurance Group Holdings; Travelers Property Casualty Corp.; The Travelers Companies, Inc. for Travelers only as Corporate Parent. Document filed by Travelers Casualty and Surety Company, Trataros Construction, Inc.. (Rogers, Eli) (Entered: 11/13/2007)
11/13/2007	<u>24</u>	ANSWER to Third Party Complaint., CROSSCLAIM against Kohn Pedersen Fox Associates, P.C., COUNTERCLAIM against TDX Construction Corp.. Document filed by Trataros Construction, Inc..(Rogers, Eli) (Entered: 11/13/2007)
11/13/2007	<u>25</u>	CERTIFICATE OF SERVICE of Answer to Third-Party Complaint served on Dormitory Authority-State of New York; TDX Construction Corp.; and Kohn Pedersen Fox Assocs. on November 13, 2007. Document filed by Trataros Construction, Inc.. (Rogers, Eli) (Entered: 11/13/2007)
11/14/2007		CASHIERS OFFICE REMARK on <u>22</u> Motion to Appear Pro Hac Vice in the amount of \$25.00, paid on 10/31/2007, Receipt Number 631567. (jd) (Entered: 11/14/2007)
11/14/2007	<u>26</u>	FOURTH PARTY COMPLAINT against Carolina Casualty Insurance Company, Bartec Industries, Inc., Dayton Superior Specialty Chemical Corp., Specialty Construction Brands, Inc. t/a TEC, Kemper Casualty Insurance Company, Great American Insurance Company, National Union Fire Insurance Company of Pittsburgh, PA., United States Fire Insurance Company, Zurich American Insurance Company, Ohio Casualty Insurance Company, Harleysville Mutual Insurance Company, John Does, XYZ Corps. Document filed by Travelers Casualty and Surety Company, Trataros Construction, Inc. (jco) (Entered: 11/16/2007)
11/14/2007	<u>27</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT FOR FOURTH-PARTY PLAINTIFFS, TRATAROS CONSTRUCTION, INC. AND TRAVELERS CASUALTY AND SURETY COMPANY. No Corporate Parent. Document filed by Travelers Casualty and Surety Company, Trataros Construction, Inc. (jco) (Entered: 11/16/2007)
11/19/2007	<u>28</u>	ORDER FOR ADMISSION PRO HAC VICE ON WRITTEN MOTION granting <u>22</u> Motion for Louis J. Dennis to Appear Pro Hac Vice. IT IS HEREBY ORDERED that: Louis J. Dennis is admitted to practice pro hac vice for Defendant Kohn Pedersen Fox Associates, P.C. in the above captioned case. (Signed by Judge Denise L. Cote on 11/19/07) (tro) (Entered: 11/19/2007)